

**ENTERED**

January 09, 2019

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

JUAN RICARDO HERNANDEZ,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

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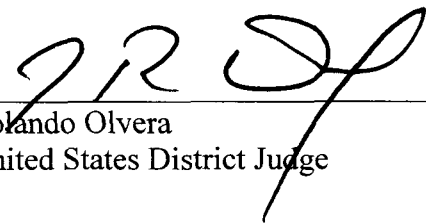
Civil Action No. 1:17-cv-00093  
(Criminal Action 1:15-cr-1010-01)

**ORDER ADOPTING MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the "Magistrate Judge's Report and Recommendation" (hereafter "R&R") (Docket No. 37) in the above-styled action. The R&R recommends dismissing Juan Ricardo Hernandez' (hereafter "Petitioner") "Amended Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody" (Docket No. 9). The deadline to respond to the R&R was December 8, 2018; no objections were filed. After a *de novo* review of the file, the R&R is **ADOPTED**.

It is therefore **ORDERED, ADJUDGED, and DECREED** that Petitioner's "Amended Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody" (Docket No. 9) is **DISMISSED** with prejudice, pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings for the United States District Courts. A certificate of appealability shall not issue. The Clerk is **ORDERED** to close this case.

Signed on this 8<sup>th</sup> day of January, 2019.

  
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Rolando Olvera  
United States District Judge